

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**PROMOTIONAL TECHNOLOGIES, LLC**

Plaintiff,

v.

**FACEBOOK, INC., and  
ZYNGA, INC.**

Defendants.

Case No. \_\_\_\_\_

**PATENT CASE**

**JURY TRIAL DEMANDED**

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**COMPLAINT**

Plaintiff Promotional Technologies, LLC (“Plaintiff” or “Promotional Technologies”) files this Complaint against Facebook, Inc. (“Facebook”) and Zynga, Inc. (“Zynga”) (collectively, “Defendants”) for infringement of United States Patent No. 6,749,511 (hereinafter “the ‘511 Patent”).

**JURISDICTION**

1. This is an action for patent infringement under Title 35 of the United States Code.
2. This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.
3. Plaintiff Promotional Technologies, LLC is a Texas limited liability company with its principal office at 314 E. Highland Mall Blvd., Suite 498, Austin, Texas 78752.
4. Upon information and belief, Defendant Facebook, Inc. is a Delaware corporation, with its principal office located at 1601 S. California Ave. in Palo Alto, CA 94304.

Facebook's website states that Dallas, Texas is "home of our Texas office." See, <http://www.facebook.com/careers/department.php?dept=dallas>.

5. This Court has personal jurisdiction over Facebook because Facebook has committed and continues to commit acts of infringement in the state of Texas, regularly conducts and solicits business in the state of Texas, and engages in continuous and systematic activities in the state of Texas.

6. Upon information and belief, Defendant Zynga is a Delaware corporation, with its principal office located at 699 Eighth Street San Francisco, CA 94103. Zynga's website states that, "We're going big in Texas: With an office in Dallas and another in McKinney, The Dog is leaving its mark on the Metroplex." See, <http://company.zynga.com/about/jobs/location/dallas-tx-united-states>.

7. This Court has personal jurisdiction over Zynga because Zynga has committed and continues to commit acts of infringement in the state of Texas, regularly conducts and solicits business in the state of Texas, and engages in continuous and systematic activities in the state of Texas.

8. Upon information and belief, Defendants' products and systems that are alleged herein to infringe were and continue to be made, used, imported, offered for sale, and/or sold in the Northern District of Texas.

### **VENUE**

9. Venue is proper in the Northern District of Texas pursuant to 28 U.S.C. §§ 1391(c) and 1400(b) because Defendants are deemed to reside in this district. In addition, and in the alternative, Defendants have committed acts of infringement in this district.

**COUNT I**

**(INFRINGEMENT OF UNITED STATES PATENT NO. 6,749,511)**

10. Plaintiff incorporates paragraphs 1 through 9 herein by reference.

11. This cause of action arises under the patent laws of the United States, and in particular, 35 U.S.C. §§ 271, *et seq.*

12. Plaintiff is the owner by assignment of the ‘511 Patent and holds exclusive rights and interests under the ‘511 Patent.

13. On August 16, 2001, inventor Adam S. Day filed a United States patent application and that application issued on June 15, 2004 as the ‘511 Patent, entitled “Website Promotional Applet Process,” attached hereto as Exhibit A.

14. The ‘511 Patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

15. Upon information and belief, Defendant Facebook has infringed and continues to infringe one or more claims, including at least Claim 13, of the ‘511 patent by making, using, importing, selling and/or offering for sale the following products, and/or systems on which the following products operate: Café World; CastleVille; CityVille; Empires & Allies; FarmVille; Fishville; Indiana Jones Adventure World; Mafia Wars; Mafia Wars 2; PetVille; The Pioneer Trail (formerly known as FrontierVille); Treasure Isle; Vampire Wars; Words with Friends; YoVille; Zynga Poker; and other online games in which participants win virtual items. These products, and/or the Facebook systems on which they operate, are covered by one or more claims, including at least Claim 13, of the ‘511 patent. Facebook has infringed and continues to infringe the ‘511 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

16. Upon information and belief, Defendant Zynga has infringed and continues to infringe one or more claims, including at least Claim 13, of the '511 Patent by making, using, importing, selling and/or offering for sale the following products, and/or systems on which the following products operate: Café World; CastleVille; CityVille; Empires & Allies; FarmVille; Fishville; Indiana Jones Adventure World; Mafia Wars; Mafia Wars 2; PetVille; The Pioneer Trail (formerly known as FrontierVille); Treasure Isle; Vampire Wars; Words with Friends; YoVille; Zynga Poker; and other online games in which participants win virtual items. These products, and/or the Zynga systems on which they operate, are covered by one or more claims, including at least Claim 13, of the '511 patent. Zynga has infringed and continues to infringe the '511 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

17. Many, if not all, Zynga online games may be played on Facebook's network and systems. Facebook Credits are the exclusive payment method for Zynga online games.

18. Defendants' actions complained of herein will continue unless Defendants are enjoined by this court.

19. This case is exceptional pursuant to the provisions of 35 U.S.C. § 285.

20. Plaintiff has complied with 35 U.S.C. § 287.

21. Defendants' actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendants are enjoined and restrained by this Court.

#### **PRAYER FOR RELIEF**

Plaintiff respectfully requests entry of judgment in its favor and against Defendants as follows:

- a) Declaring that Defendants have infringed and continue to infringe the '511 patent;
- b) Enjoining Defendants, their agents, officers, servants, employees, attorneys and all persons in active concert or participation with Defendants from further infringement of United States Patent No. 6,749,511;
- c) Awarding actual damages resulting from Defendants' infringement in accordance with 35 U.S.C. § 284, together with pre-judgment and post judgment interest;
- d) Awarding treble damages in accordance with the provisions of 35 U.S.C. § 284;
- e) Finding the case to be exceptional under the provisions of 35 U.S.C. § 285;
- f) Awarding reasonable attorney fees under 35 U.S.C. § 285; and
- g) Awarding costs and such further relief to which the Court finds Plaintiff is entitled under law or equity.

**DEMAND FOR JURY TRIAL**

Plaintiff respectfully requests a trial by jury on all issues so triable.

Dated: December 15, 2011

Respectfully submitted,

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## **EXHIBIT A**

(12) **United States Patent**  
**Day**

(10) **Patent No.: US 6,749,511 B2**  
(45) **Date of Patent: Jun. 15, 2004**

(54) **WEBSITE PROMOTIONAL APPLLET  
PROCESS**

(76) Inventor: **Adam S. Day**, 3511 W. 55<sup>th</sup> St.,  
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(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 125 days.

(21) Appl. No.: **09/931,333**

(22) Filed: **Aug. 16, 2001**

(65) **Prior Publication Data**

US 2002/0065136 A1 May 30, 2002

**Related U.S. Application Data**

(60) Provisional application No. 60/225,965, filed on Aug. 17,  
2000.

(51) Int. Cl.<sup>7</sup> ..... **A63F 13/00**

(52) U.S. Cl. .... **463/42; 463/9; 434/350;**  
273/430

(58) **Field of Search** ..... 463/9, 40-42,  
463/6; 273/430, 454; 434/322, 323, 350

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\* cited by examiner

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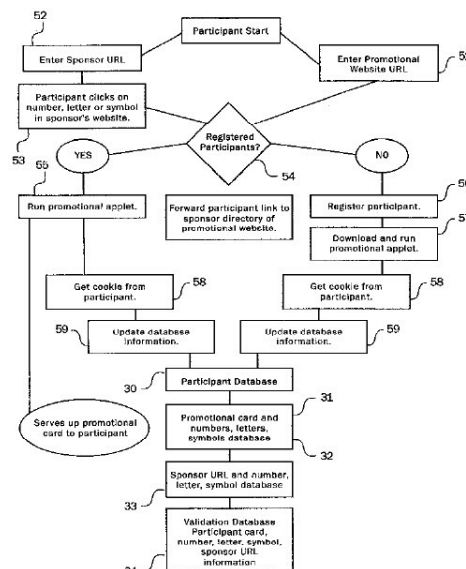
*Assistant Examiner*—Aaron Capron

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(57) **ABSTRACT**

The subject invention includes a host site which is accessed  
by a participant directly or through a hyperlink from a  
sponsor site. The host site includes an application which is  
activated to run a promotional applet on the participant's  
computer. The promotional applet creates a graphical user  
interface (GUI) which is used to play a promotional game  
which requires the participant to browse through a plurality  
of sponsor sites in order to find and match a number of  
indicia embedded therein. Once a participant has matched  
enough indicia to satisfy a winning criteria, the participant  
is awarded a prize.

**31 Claims, 5 Drawing Sheets**





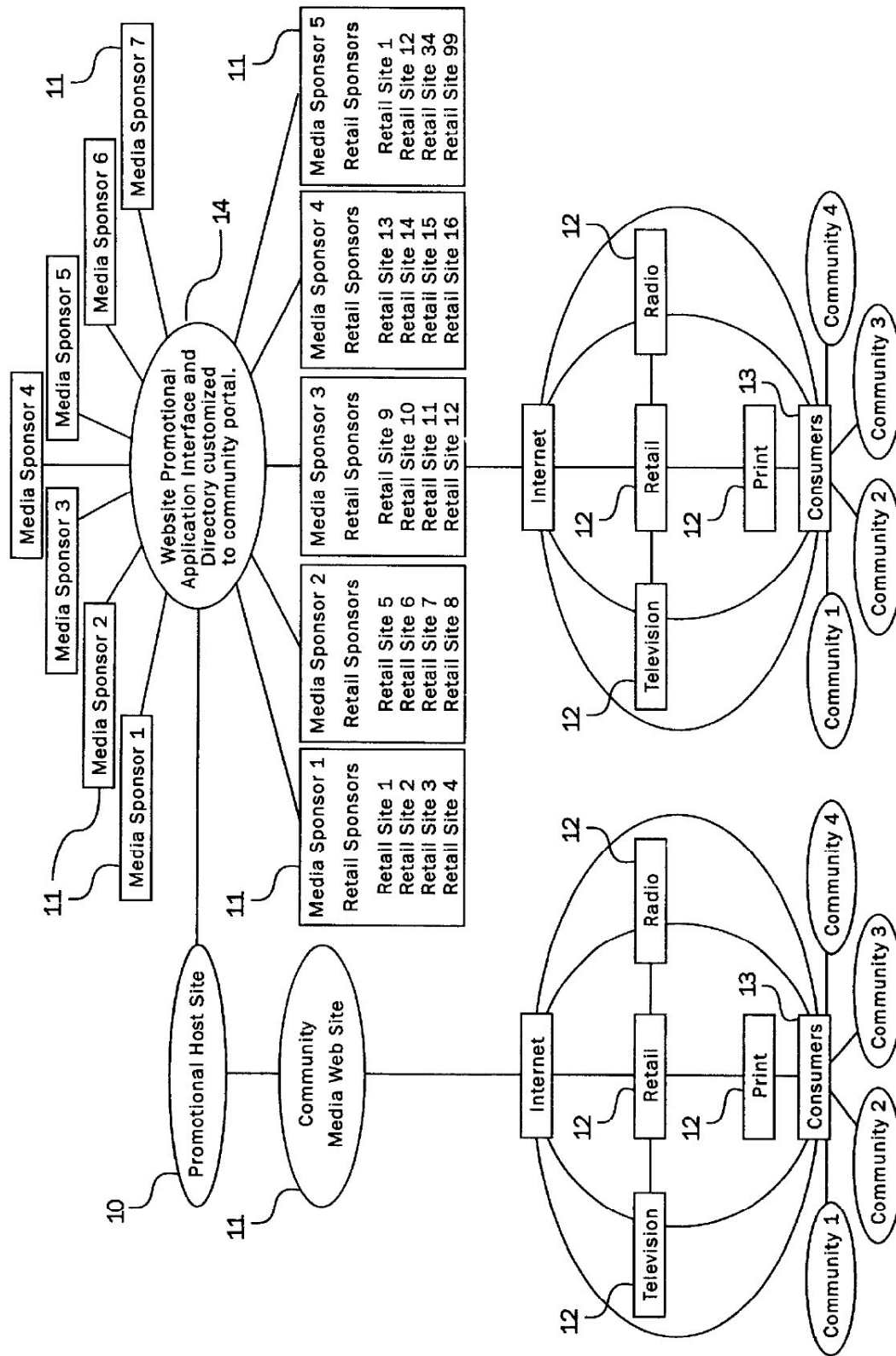


Fig. 1

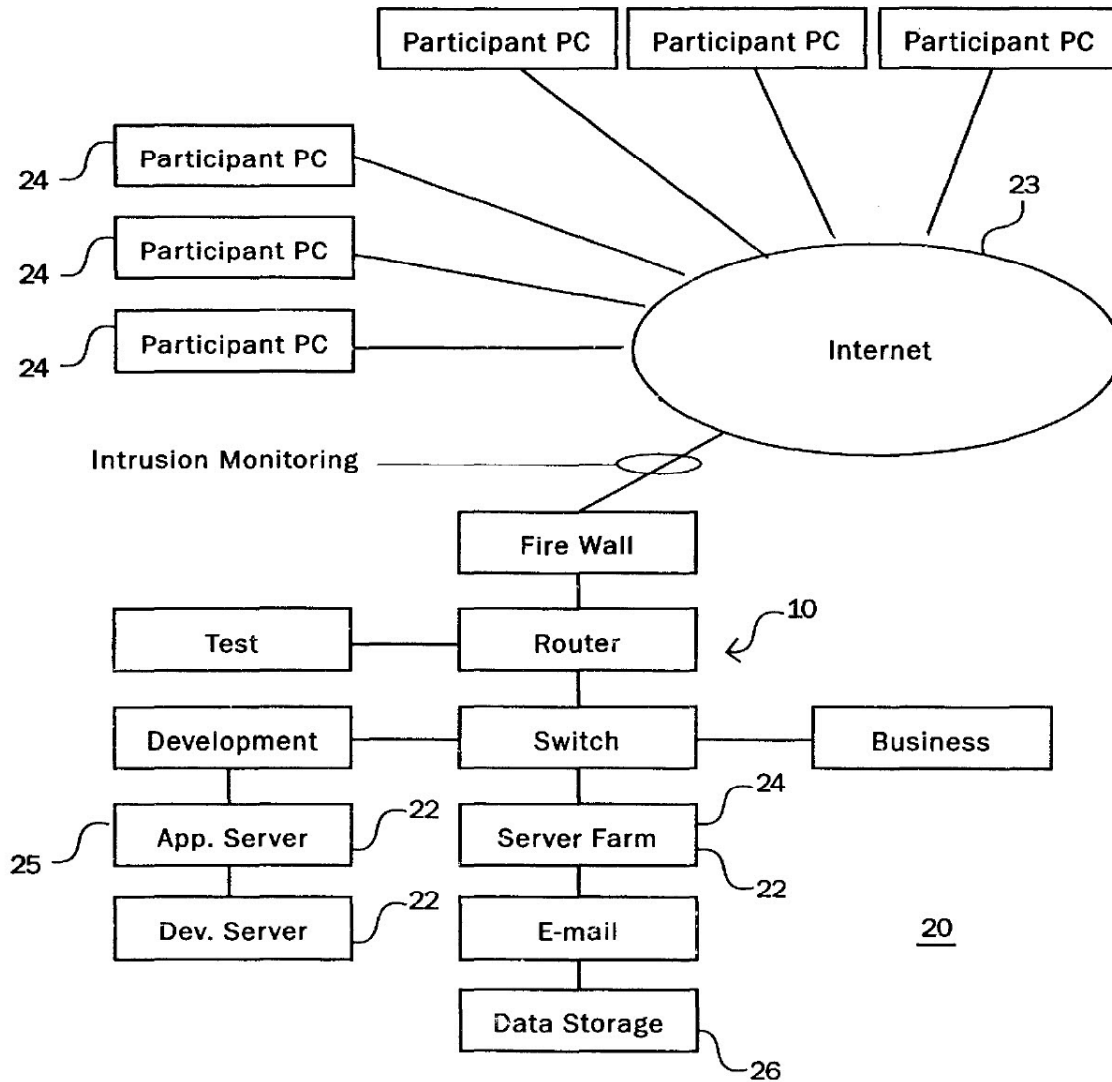


Fig. 2

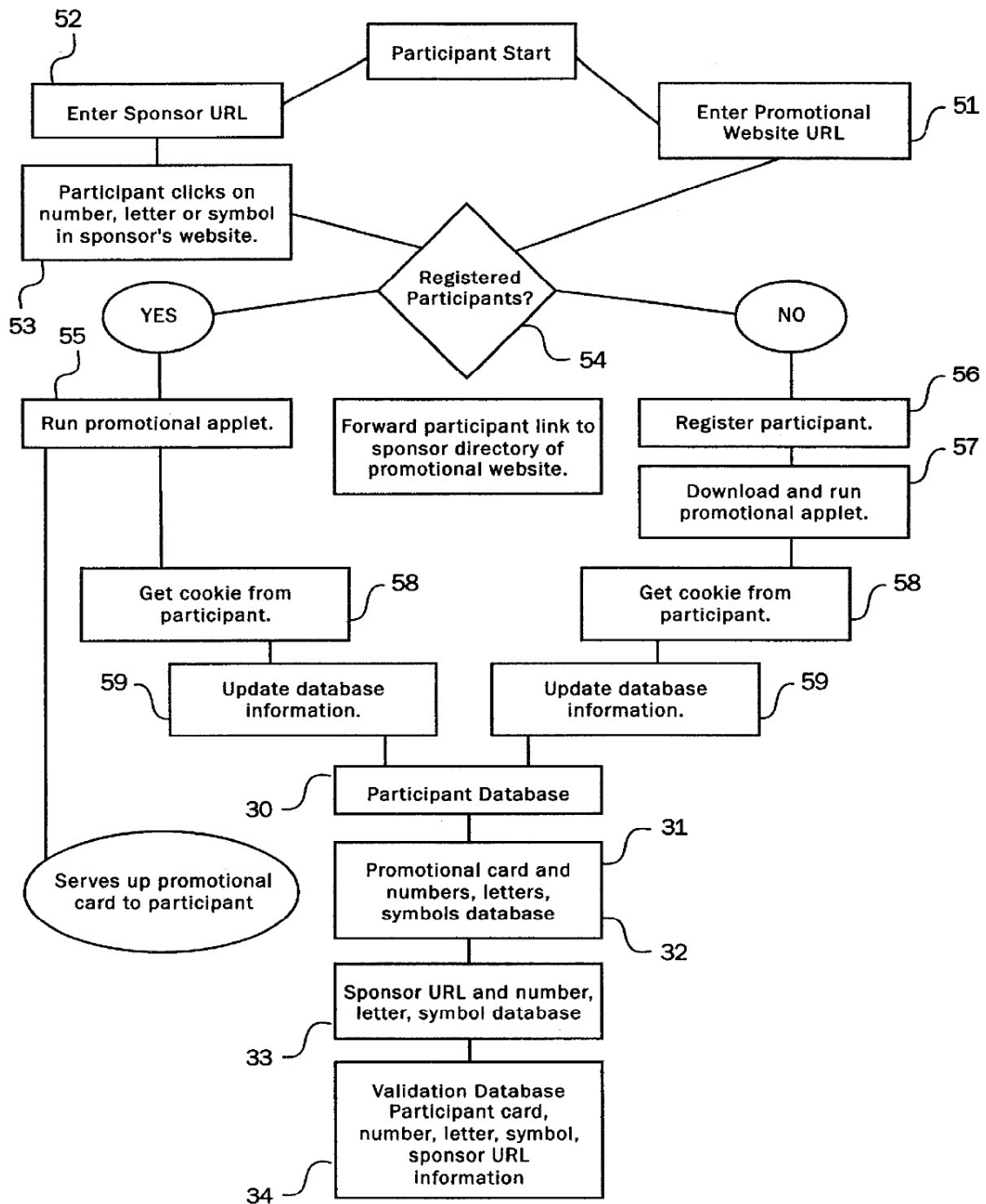


Fig. 3

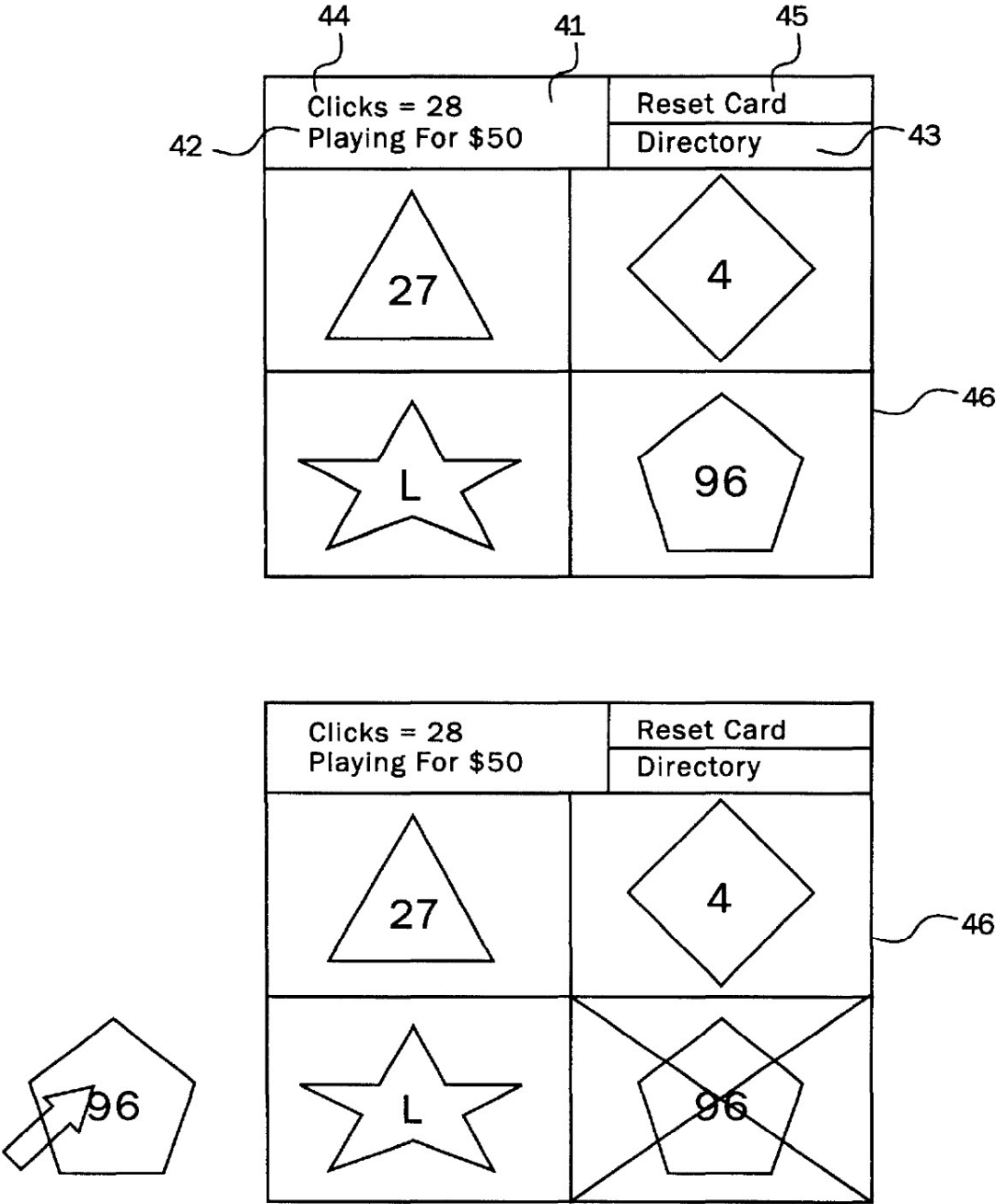


Fig. 4

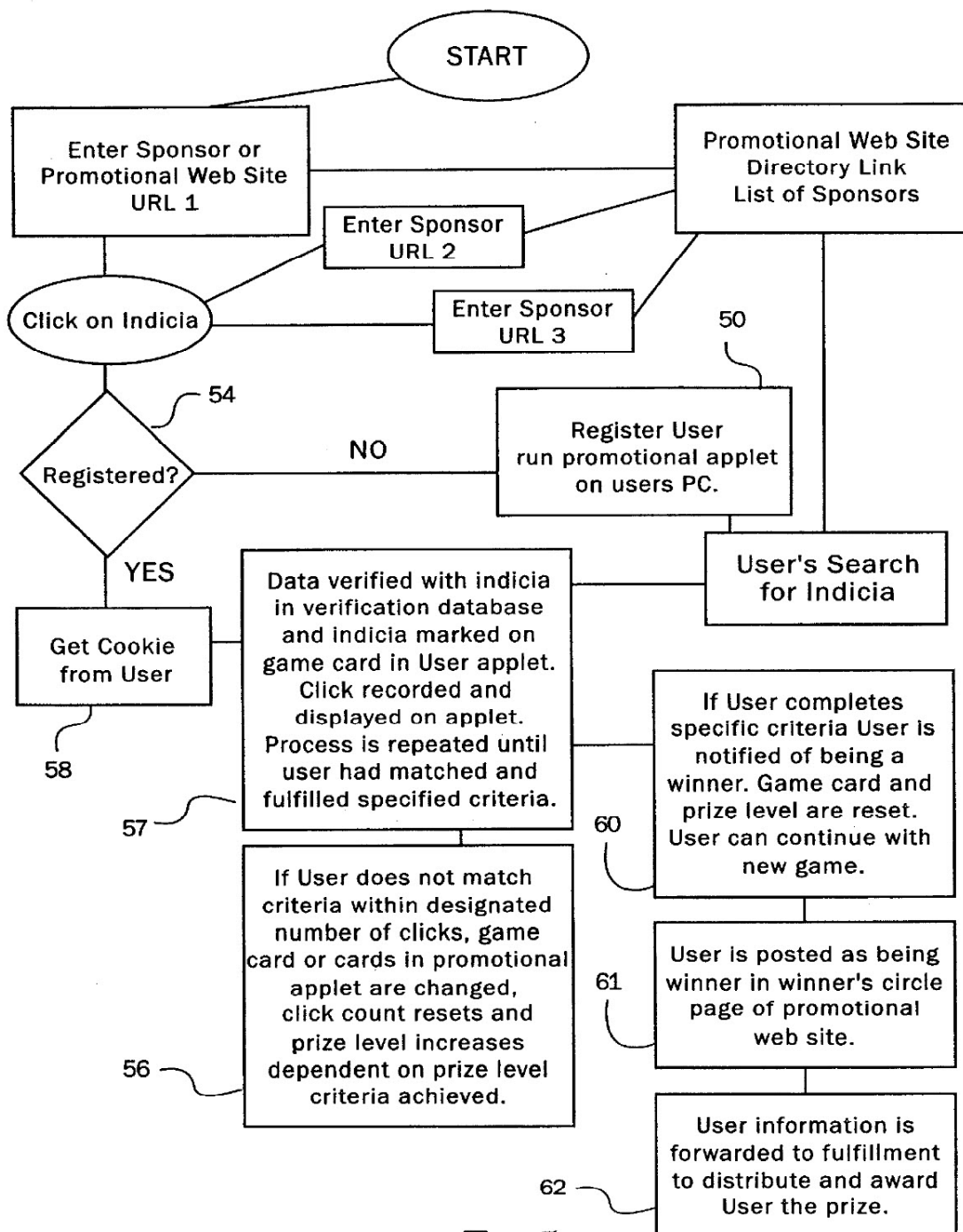


Fig. 5

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**WEBSITE PROMOTIONAL APPLLET  
PROCESS****CROSS-REFERENCE TO RELATED  
APPLICATIONS**

This application claims priority from U.S. Provisional Application No. 60/225,965, filed on Aug. 17, 2000, the contents of which are hereby incorporated by reference in its entirety.

**FIELD OF THE INVENTION**

The invention relates generally to a system and method for promoting an entity. More specifically, the invention relates to a method and system of promoting a plurality of web sites in communication with a computer network, such as the internet.

**BACKGROUND OF THE INVENTION**

A number of business entities have developed web sites located on the internet to provide services, to display and sell products or to provide information to their customers. However, it is often quite difficult to attract visitors to a web site. Potential visitors must first be made aware of the domain name of the web site and secondly, they must be coaxed into visiting the web site. This process is made more difficult with the large number of web sites being accessible on the Internet.

In order to promote a web site, business entities often use traditional media outlets such as print, radio and TV to advertise a web site. While these traditional methods of promotion may work for its intended purposes, they are often quite expensive. Furthermore, these methods are not assured of reaching the intended audience, most notably, people with a proclivity to transact on the internet.

Partly because of the above, businesses also often advertise their web sites, on other, more popular web sites. These often come in the form of banner ads which are prominently displayed on a web page of the popular web site. The banner ads typically include a graphic or message promoting the business entity and a hyperlink which allows visitor to go directly to the web site of the ad's sponsor. While the banner ads do reach people with a proclivity to transact on the internet, the scope of interest for the popular web site may be limited. Also, the popular web site typically will not reach as large a segment of a community as the traditional media outlets.

Even if traditional advertising and banner ads are successful in luring visitors onto a web site, initially, these methods typically do not create sufficient incentive for the potential visitor to thoroughly browse the contents of a web site. Furthermore, these forms of promotion typically do not generate incentives for a visitor to revisit the website.

Consequently, there is a need for a method and a system for promoting internet web sites which would provide incentives to visit and revisit an internet web site, and which would also provide incentives to thoroughly browse through a web site.

**SUMMARY**

Accordingly, a novel method and system of promoting a plurality of web sites in communication with a computer network is presented herewith which avoids some of the drawbacks of, and improves upon, the prior art. In one embodiment, the subject invention includes a host site which hosts a web site that is accessed by a participant directly or

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through a hyperlink from a sponsor site. A sponsor site refers generally to any entity which has paid a fee to be included in the promotional system. The host site also includes a promotional applet which creates a graphical user interface (GUI) which is launched onto the participant's computer, and is used to play a promotional game.

The promotional game requires the participant to browse through a plurality of sponsor sites in order to match indicia embedded therein with indicia located within the GUI.

These indicia are changed and relocated periodically amongst the sponsored sites in order to encourage browsing through all the sponsor sites. The participant matches indicia by selecting the indicant within the sponsor site using a cursor control device such as a mouse or a touchpad (otherwise referred to as "clicking" or "clicks"). The host site communicates with the applet to track the indicia discovered and to verify if the indicant is authorized. Once a participant has matched enough indicia to satisfy a winning criteria, the participant is awarded a prize.

The subject method of promotion includes the step of creating a set of indicia and a set of criteria which determines when a participant has won. A subset of indicia are then distributed amongst a number of sponsored sites for embedding within the sponsored site. An applet within the host site creates a GUI which displays a promotional game card that includes a subset of the indicia generated. The GUI also includes a hyperlink to a directory of sponsor sites with hyperlinks to each site. The participant finds and matches indicants on their promotional game card with indicants found within the sponsored sites. The participant clicks on the hyperlinks to different web sites in order to travel to those sites and clicks on each indicant found therein. The host site tracks the participant's movement on the computer network and the indicia which the participant has found.

A system for implementing the subject method will include at least one server in communication with a computer network. The server includes therein an application for tracking the movement of a participant within the computer network and a number of databases to store information. These databases may include a participant database to store participant information and an indicia database for storing the set of indicia and the uniform resource locator (URL) in which they are embedded.

**BRIEF DESCRIPTION OF DRAWINGS**

For the purpose of facilitating an understanding of the invention, there is illustrated the accompanying drawings, from an inspection of which, when considered in connection with the following description, the invention, its construction and operation, and many of its advantages should be readily understood and appreciated.

FIG. 1 is a flow chart displaying the interrelations of the entities involved in the subject invention.

FIG. 2 is a system diagram depicting an embodiment of the subject promotional system.

FIG. 3 is a flow diagram of the subject promotional process.

FIG. 4 is an embodiment of a GUI.

FIG. 5 is a flow diagram of an embodiment of a promotional game

**DETAILED DESCRIPTION OF THE  
INVENTION**

The subject invention is a method and system of promoting a plurality of web sites in communication with a com-

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puter network. For the purposes of illustration, the disclosed embodiment is adapted to be used with the Internet serving as the computer network. However, the subject invention is easily modified and adapted for use on other forms of computer networks, such as an intranet.

#### I. General Overview

As shown in FIG. 1, in one embodiment, the subject invention includes a host site **10** which is accessed by a participant directly or through a hyperlink from a sponsored site **11**. A sponsor site **11** refers generally to any entity which has paid a fee to be included in the promotional system and can include various types of web sites including media sites, retail sites, search engine sites, and informative sites. Sponsor sites **11** may also include links to additional sponsor sites **11** therein.

The promotional method can also be supplemented by promotion through traditional media outlets **12** such as print, radio, and television. This promotion will be centered around on how to enter and play a promotional game and the prizes that are available to a winner. The traditional media outlets **12** provide a larger target audience **13** than is available using purely internet based promotional techniques. Furthermore, the collective promotion of the promotional game and the prizes using traditional media outlets **12** may reduce or eliminate the need for an individual sponsor site **11** to use such traditional media outlets **12** for their own self-promotion.

As shown in FIGS. 1 and 2, the host site **10** includes at least one server **22** in communication with the Internet **23**. The server **22** includes a promotional applet therein which generates a GUI which displays a subset of indicia within a promotional game card (the subset has an identifier referred to as the "promotional game card ID"), and a hyperlink to a sponsor site directory having hyperlinks to a plurality of sponsor sites.

The promotional method includes a promotional game that is easily adaptable to have different winning criteria. However, each promotional game is basically played the same way no matter what winning criteria is used. The participant must click on a plurality of links to sponsor sites in order to find indicia therein which are included on a promotional game card, and upon finding a matching indicant, the participant clicks the indicant so that the indicant is marked off on the promotional game card.

For the purposes of explaining the subject invention, the promotional game is won by matching all the indicia in a promotional game card within a predefined amount of sponsor sites clicked. Other promotional games may be tailored to simulate a bingo-like game wherein the participant wins by matching all the indicia within a row or column. The indicia can also be arranged as a trail with each matched indicant being a step in the trail and prizes being awarded at each destination reached. Still other promotional games may have the indicia arranged as pieces of a pie which must be marked off in order to win the prize.

Each indicant matched by the participant undergoes a validation process prior to being marked off on the promotional game card. The host site communicates with the applet in order to track the movement of the participant on the internet and to track the indicia matched. Once a participant has matched enough indicia to satisfy a winning criteria, the participant is awarded a prize.

#### II. System Configuration

As shown in FIGS. 2 and 3, in one embodiment, the subject invention is implemented by a promotion system **20** comprised of a host site **10** which includes at least one server **22** in communication with the Internet **23**. The server **22** can

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be any computer known to those skilled in the art, including standard attachments and components thereof (e.g., a disk drive, hard drive, CD/DVD player or network server that communicates with a CPV and main memory, a sound board, a keyboard, mouse or printer). The server has therein a number of task-oriented applications.

In one embodiment, the host site **10** includes a promotional web site and includes a web server **24** which hosts the promotional website. The web server **24** utilizes the Internet **23** as a communications backbone and allows information to be passed to the participant's browser. The web server **24** may also include a form handler to collect and process information submitted by a participant through his browser. The host site may also include an application server **25** for running a promotional applet across the Internet **23** onto the participant's computer.

Information communicated between the host site **10** and a participant's browser is typically achieved by the transmission of documents therebetween. These documents are commonly in Hyper Text Markup Language (HTML), but other languages such as DHTML, PEARL, XML, and WAP are also commonly used. Communication between the host site and the browser can also be achieved by other means using methods and computer languages which are generally known in the art.

In one embodiment, the host site includes a number of databases **26** which are utilized to store relevant information. These databases **26** are in communication with the host site, with information being exchanged therebetween. These databases **26** can include a participant database **30**, a promotional game card database **31**, an indicia database **32**, a sponsor URL database **33**, and a validation database **34**. The participant database **30** stores information pertaining to the participant such as address, phone number, and e-mail address, and a participant ID. The indicia database **32** stores each indicant and the period within which it is valid. The promotional game card database **31** stores a subset of indicia and the sequence it would appear on a promotional game card, and the promotional game card ID for each sequence. The sponsor URL database stores the URLs of every sponsor site and an identifier for each sponsor site. The validation database **34** stores information generated by the participant while playing the promotional game. This includes the participant ID, the promotional game card ID of the game being played, URLs of the indicia the participant has discovered, URL of valid indicia on the promotional game card, period of validity of indicia on promotional game card.

While the described embodiment includes the above-mentioned databases, the data within these databases is easily arranged and the operation of the subject invention is easily altered so that a fewer or greater number of databases are utilized.

#### III. Indicia Distribution

In one embodiment, a unique set of indicia are generated to comprise all the available indicia for a given time period. As shown in FIG. 4, indicia may be comprised of numbers, or letters, or graphic symbols or a combination thereof. Each indicant and the time period within which it is valid is stored in the indicia database **32**.

Random subsets of the indicia are then arranged in a plurality of unique sequences which represent locations within a promotional game card. Each sequence is identified by a promotional game card ID. Every sequence with its identifying promotional game card ID is stored within the promotional game card database **31**.

A subset of the indicia are distributed to participating sponsor sites as graphic files to be imbedded within a



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sponsor's website. The graphic file may be a JPEG or GIF file or other known formats for graphic files. The graphic file may include a header or a file name which includes the indicant name, a URL of the sponsor site in which it is located, and the time period within which the indicant is valid.

The distribution of indicia on promotional game cards and the number of indicants distributed to sponsor sites are guided in part by a plurality of factors such as the number of participants, desired win percentage, number of prizes available, number of sponsors, the fee paid by a particular sponsor, and the desired distribution of prizes. Dependant upon which of these factors are controlling, known statistical methods can be used to obtain a satisfactory result. The satisfactory result is achieved by manipulating promotional game variables such as the number of indicia, the number of indicia distributed to the sponsor sites relative to the total number of indicia, the number of different cards that are available, the number of sponsor sites, the number of sponsor sites clicked prior to resetting a promotional game, the number of indicia located within a sponsor site or a combination of these factors.

#### IV. User Registration

As shown in FIGS. 3 and 5, a participant must first go through a registration process 50 in which participant information is gathered and stored within the participant database. This information will typically include the participant's name, home address, and E-mail address. If the participant has been previously registered, the participant can submit a personal identifier (participant ID) to bypass the registration process. In this embodiment, the identifier is the users E-mail address, but a generated identifier can also be used. Alternatively, a small text file, a "cookie", may be stored on the participant's computer to alert the host site 10 that the participant is currently registered.

In one embodiment, the registration process 50 is achieved through web forms which are submitted by the web server to the participant's web browser. A web form is a collection of form fields displayed as a web page by the participant's browser. By using the web forms, the user is able to fill in requested information on the web form and submit the form to the host site, where the web server and form handler is able to retrieve the information from the web form and store it in the participant's database. Once a participant is completely registered, a participant ID is also stored in the participant's database with the other participant information.

As shown in FIGS. 3 and 5, a user may participate in a promotional game by entering the host web site 51 directly and launching a promotional applet directly, or alternatively, by entering a sponsor web site 52 and clicking on an indicant 53. Either action would trigger the host site 10 to perform a check which identifies if the participant has been previously registered 54. If not previously registered, the host web site 10 performs the registration process. Otherwise, a promotional applet is launched 55 which enables the participant to play a promotional game, or if the promotional applet is currently running, enables the participant to validate the indicant which has been clicked.

#### V. Promotional Applet

For the purpose of describing the subject invention, the term promotional applet will refer to a single applet or a plurality of applets which individually, or in combination, perform the stated function. The subject promotional method is easily adapted to accommodate the use of a number of applets or a single applet to carry out any functions.

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As shown in FIGS. 3, 4, and 5 in one embodiment, once a participant is registered, an application server launches a promotional applet 55 on top of the participant's Internet browser. The promotional applet can be a Java-based application but any other programming language which allows for secure execution of code across a network and across platforms can also be used. The promotional applet creates a first GUI which displays a frame 41 forming a background for a prize indicator 42, a directory hyperlink 43 which links to a directory having a number of sponsor sites and hyperlinks thereto, and a click counter 44 which tracks the number of sponsor sites or indicants which a participant has clicked on during a particular game. The first GUI also tracks the cumulative total of sponsor sites or indicants which a participant has clicked on while playing. A second GUI is created to display a single or a plurality of promotional game cards 46 within the frame, with each having a sequence of indicia obtained from the promotional game card database and identified by a promotional game card ID. Periodically, a third GUI is created in order to provide messages to the participant, the messages may contain advertising, or clues as to the location of a particular indicant, or announce a winner, or any other information that the host site wishes to convey to a participant.

As shown in FIG. 3, once the promotional applet is launched 55, the participant's identifying number, the participant's promotional card ID, and the participant's information are transferred to the validation database 34. Indicant information for each indicant on the participant's promotional game card are also linked to the participant's promotional card ID.

A main component of the promotional method is a promotional game which is played by the participant and which provides incentives to browse through and return repeatedly to the sponsor sites 11. While the promotional game can have varied criteria to determine if a participant has won, the promotional game is basically played the same way regardless of the winning criteria. In order to successfully play a promotional game, the participant must browse through a plurality of sponsor sites in order to find and match indicia embedded therein with indicia on a promotional game card 46.

In this embodiment, the promotional game is won by simply matching all the indicia in the promotional game card 46. Additionally, the participant is required to match all of the indicia on a promotional game card 46 within a predefined number of sponsor sites 11 or indicant clicked.

As shown in FIG. 5, if these criteria are not met 56, or if the participant elects to restart a promotional game the promotional applet relaunches the first and second GUI to display a new promotional game card 46, clear the previous click counter 44, and to display a new prize indicator 42. The new promotional card ID and its related indicant information are also updated within the verification database by the host site 10.

Additional incentives are also incorporated within the promotional game to encourage the participant to continue playing. This incentive may include increasing the value of the prize on subsequent promotional game cards 46 after the participant has clicked on a predefined cumulative total of sponsor sites 11 or indicia. This cumulative total is reset after the participant has elected to exit the promotional applet.

As shown in FIGS. 3, 4 and 5, once a participant finds an indicant within a sponsor's web site, the participant must click on the indicant in order to match it. As stated above, the indicant can be a JPEG file which has a filename containing the name of the indicant, a URL of the sponsor site in which



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it is located, and the time period within which the indicant is valid. Clicking on the indicant enables the promotional applet 14 to create a cookie with the filename therein. The cookie is stored in a memory location within the participant's PC where the host site 10 is able to access it.

A verification process 57 is undertaken to ensure that the indicant had not been fraudulently or negligently left embedded within a sponsor site. The cookie is read by the host site 58 and the file name is used to obtain indicant information. For example, a file name can be predefined to include indicant information in three segments of four characters each. Using a file name such as BS01SR01WK52, a first segment of the file name "BS01" can be used to indicate the type of indicant, "BS01" representing a blue star having a 1 imprinted therein. A second segment "SR01" comprises a sponsor ID. A third segment "WK52" would represent a period of time in which the indicant is valid, in this example, the 52<sup>nd</sup> week of the calendar year.

The data obtained from the cookie is verified with data located within the validation database. The indicant obtained from the cookie is cross-referenced with the promotional game card ID associated with the participant ID in order to determine if the indicant is located within the game card. The sponsor ID obtained from the cookie can then be cross-referenced using the sponsor URL database to obtain the URL of the sponsor site, and this URL is compared to the URL of the indicant on the promotional game card. The valid period obtained from the cookie is also checked to ensure that the indicant is currently valid. Once verified, the host site uses the information from the cookie to update its verification database and communicates with the promotional applet 14 which then marks off the appropriate indicant on the promotional game card 46.

Once the participant has matched all the required indicia, the promotional game is reset 60 and a new promotional game card 46 is displayed. The participant's name is published on the host site 61 and delivery of the prize is arranged by using the participant information located within the participant database 62.

While the subject invention has been described with reference to several embodiments thereof, those skilled in the art will recognize various changes that may be made without departing from the spirit and scope of the claimed invention. Accordingly, this invention is not limited to what is shown in the drawings and described in the specification but only as indicated in the appended claims. Any numbering or ordering of indicia in the following claims is merely for convenience and is not intended to suggest that the ordering of the indicia of the claims has any particular significance other than that otherwise expressed by the language of the claims.

What is claimed is:

1. A method of promoting a plurality of sponsored sites in communication with a computer network, the method comprising:

- creating a set of indicia files and a win criteria, each indicia file having a filename;
- distributing the set of indicia files to at least one of the plurality of sponsored sites for embedding within the sponsored site;
- providing an applet for generating a graphical user interface depicting a graphical image of at least one of the indicia files to be found by a participant and for generating a cookie containing the filename of each indicia file accessed by the participant;
- accessing at least one of said generated cookies;
- verifying the indicia accessed by the participant using the filename contained in the cookie; and

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determining when the participant has satisfied the win criteria.

2. The method of claim 1, wherein the computer network is the Internet.

3. The method of claim 2, wherein each sponsored site is a web site hosted by at least one computer in communication with the internet.

4. The method of claim 1, and further comprising the additional steps of tracking the number of times a participant has clicked onto a new sponsor site, and displaying a new subset of indicia when the number of times a participant has clicked onto a new sponsor site exceeds a predefined amount.

5. The method of claim 1, and further comprising the additional steps of determining if a participant is a registered participant, and registering the participant if not previously registered.

6. The method of claim 1, wherein the graphical user interface includes a hyperlink to a directory of sponsored sites.

7. The method of claim 1 and further comprising the additional step of providing a database containing a uniform resource locator wherein each indicant is located.

8. The method of claim 7, and further comprising the additional step of providing a participant database for storing participant information.

9. The method of claim 1, and further comprising dividing at least one indicant filename into predefined segments to obtain indicant information embedded within the filename.

10. The method of claim 9, and further comprising the additional step of comparing indicant information obtained from the filename with indicant information within a validation database.

11. The method of claim 1, wherein the graphical user interface travels with a participant's browser to every sponsor site visited by a participant.

12. The method of claim 1, and further comprising the additional step of matching a uniform resource locator of an indicant within a sponsor site and a uniform resource locator of indicants within a verification database.

13. A system for promoting a plurality of sponsor sites in communication with a communication network, the system comprising:

at least one server in communication with the communication network, the server including an applet for generating a graphical user interface depicting a graphical image of at least one of the indicia files to be found by a participant and for generating a cookie containing the filename of each indicia file accessed by the participant;

a participant database in communication with the server, the participant database storing participant information therein wherein the server includes an application for determining if a participant has satisfied a win criteria; and

an indicant database in communication with the server for storing a set of indicia files and an indication of websites in which the set of indicia files are embedded.

14. The system of claim 13, and further comprising a sponsor database for storing a uniform resource locator for each sponsor site.

15. The system of claim 13, wherein the server includes an application for determining if a participant has discovered an authorized indicant.

16. The system of claim 13, and further comprising a web server hosting a website and an application server, with both in communication with the communication network.

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17. The system of claim 13, wherein the server includes an application for extracting a cookie from a participant's computer.

18. A method of promoting a plurality of sponsor sites located on the internet, the method comprising:

creating a set of indicia files and win criteria, each indicia file having a filename;

distributing the indicia to a plurality of sponsor sites for embedding within the site;

displaying on a participant's computer a graphical image of a subset of the plurality of indicia files to be found;

providing a directory containing links to a plurality of sponsor sites having indicia files embedded therein;

generating a cookie containing the filename of each indicia file accessed by the participant; and

determining if the participant has satisfied a win criteria.

19. The method of claim 18, and further comprising the additional step of providing a host web site in communication with the Internet, the host web site containing therein an applet for displaying the subset of indicia to be found.

20. The method of claim 18, wherein the cookie further contains the sponsor site visited by the participant, and a period wherein the indicant is valid.

21. The method of claim 18, and further comprising the additional step of counting every sponsor site clicked by the participant.

22. The method of claim 21, and further comprising the additional step of displaying a new subset of indicia after the participant reaches a predetermined number of sponsor sites clicked.

23. The method of claim 18, wherein graphical images of the indicia are displayed on a game card, and wherein the win criteria is satisfied by finding all the indicia on the game card.

24. The method of claim 18, and further comprising the step of periodically displaying the URL of a site wherein an indicant in the subset of indicants is located.

25. The method of claim 18, wherein the step of displaying a subset includes arranging a subset of indicia in a predefined pattern, creating an identifying number for the arrangement, storing the arrangement and the identifying number in a database, and randomly choosing an arrangement to display.

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26. The method of claim 25, wherein the step of determining if a participant has satisfied a winning criteria includes matching the URLs of the location of the indicia with the URLs the participant has visited.

27. The method of claim 18, and further comprising the additional step of increasing a value of a prize to be awarded based on a cumulative number of clicks to sponsor sites counted.

28. The method of claim 18, and further comprising the additional step of counting every indicant clicked by the participant.

29. The method of claim 28, and further comprising the additional step of displaying a new subset of indicia after the participant reaches a predetermined number of indicia clicked.

30. A method of promoting a plurality of sponsor sites located on the internet, the method comprising:

creating a set of indicia files, wherein the indicia files are graphic files;

distributing the set of indicia files to the sponsor sites, such that each of the sponsor sites receives at least one indicant file;

embedding each indicant file within its corresponding sponsor sites;

launching an applet on a participant's computer, the applet configured to create a

first GUI on the participant's computer that displays a graphical representation of the set of indicia files and a

second GUI that contains links to the sponsor sites;

tracking indicants found by a participant, wherein tracking is performed by the applet, which creates an indication of a found indicant within a cookie on the participant's computer; and

determining if the participant has satisfied a win criteria, based on the found indicants.

31. The method of claim 30 wherein the GUI includes a second GUI displaying a directory of each sponsors in association with its corresponding sponsor site.

\* \* \* \* \*

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Promotional Technologies LLC

(b) County of Residence of First Listed Plaintiff Travis County, TX  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Chelsea Davis PC, 4344 Avondale Ave., Dallas, TX 75205 (214) 884-8723  
Chelsea Davis; and Brown Fox Kizzia & Johnson PLLC, 8226 Douglas Ave., Ste. 411, Dallas, TX 75225 (214) 613-3350 Jay Johnson.

**DEFENDANTS**Facebook, Inc.  
Zynga, Inc.

County of Residence of First Listed Defendant Santa Clara County, CA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

U.S. Code Title 35

Brief description of cause:

Patent Infringement

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Injunction

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No**VIII. RELATED CASE(S) (See instructions)**

PENDING OR CLOSED:

JUDGE

DOCKET NUMBER

DATE  
12/15/2011SIGNATURE OF ATTORNEY OF RECORD  
/s/Chelsea Davis

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_